

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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Armando Gonzalez

Plaintiff,

vs

9:07-CV-53  
(DNH/GJD)

Sgt. Whittaker, C.O. Bunny

Defendant.

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APPEARANCES:

OF COUNSEL:

Armando Gonzalez  
Plaintiff, pro se  
178-18 145<sup>th</sup> Drive  
Jamaica, NY 11433

HON. ANDREW M. CUOMO  
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Attorney for Defendants  
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HEATHER R. RUBINSTEIN, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

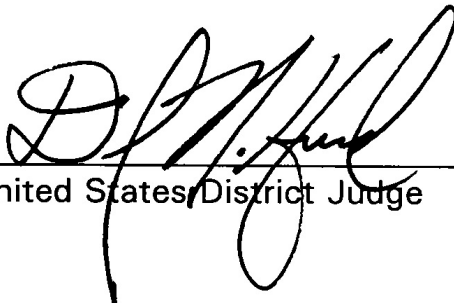
Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On February 29, 2009, the Honorable Gustave J. DiBianco, United States Magistrate Judge, advised, by Report-Recommendation, that defendant's motion for summary judgment be granted, and the complaint be dismissed in its entirety. No objections to the Report-Recommendation were filed.

Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that defendant's motion for summary judgment is GRANTED and the complaint is DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: March 19, 2009  
Utica, New York.

  
United States District Judge